PATENT
Customer No. 22,852
Attorney Docket No. 09299.0002

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Hideo AGO *et al.*

Application No.: 09/608,713 — Group Art Unit: 1631

Filed: June 30, 2000 — Examiner: Cheyne D. Ly

For: HCV POLYMERASE SUITABLE FOR CRYSTAL STRUCTURE ANALYSIS AND METHOD FOR USING THE ENZYME

**Mail Stop RCE**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

**UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b)(4), Applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449. This Supplemental Information Disclosure Statement is being filed concurrently with a Request for Continued Examination Under 37 C.F.R. § 1.114.

Ago *et al.*, PDB Accession No. 1QUV (11/5/1999) and Lohmann *et al.*, *J. Virol.*, 71:8416-28 (1997) were cited in the European Search Report received from the European Patent Office in a counterpart foreign application, and this Information Disclosure Statement is being filed within three months of the mailing date

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

of that communication. The other references cited in the European Search Report were previously cited in an IDS filed by the Applicants on September 26, 2000.

Copies of all other listed documents are attached.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 22, 2003

By: _____
Charles D. Niebylski
Reg. No. 46,116

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

OMB No. 0651-0011

# INFORMATION DISCLOSURE CITATION

| | |
|---|---|
| Atty. Docket No. [illegible] | Appln. No. 09/608,713 |
| Applicant Hideo AGO *et al.* | |
| Filing Date June 30, 2002 | Group: 1631, Examiner Cheyne D. Ly |

**U.S. PATENT DOCUMENTS**

| Examiner Initial* | | Document Number | Issue Date | Name | Class | Sub Class | Filing Date If Appropriate |
|---|---|---|---|---|---|---|---|
| | | | | | | | |

**FOREIGN PATENT DOCUMENTS**

| | | Document Number | Publication Date | Country | Class | Sub Class | Translation Yes or No |
|---|---|---|---|---|---|---|---|
| | | | | | | | |

| | OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) |
|---|---|
| | Ago et al., PDB Accession No. 1QUV (Nov. 5, 1999). |
| | Bressanelli et al., "Structural Analysis of the Hepatitis C Virus RNA Polymerase in Complex with Ribonucleotides," Journal of Virology, 76:3482-3492 (2002). |
| | Lévêque et al., "Identification of a C-Terminal Regulatory Motif in Hepatitis C Virus RNA-Dependent RNA Polymerase: Structural and Biochemical Analysis," Journal of Virology, 77:9020-9028, (2003). |
| | Lohmann et al., "Biochemical Properties of Hepatitis C Virus NS5B RNA-Dependent RNA Polymerase and Identification of Amino Acid Sequence Motifs Essential for Enzymatic Activity," Journal of Virology, 17:8416-8428 (1997). |
| | Love et al., "Crystallographic Identification of a Noncompetitive Inhibitor Binding Site on the Hepatitis C Virus NS5B RNA Polymerase Enzyme," Journal of Virology, 77:7575-7581(2003). |
| | O'Farrell et al., "Substrate Complexes of Hepatitis C Virus RNA Polymerase (HC-J4): Structural Evidence for Nucleotide Import and *De-novo* Initiation," J. Mol. Biol. 326:1025-1035 (2003). |
| | Ranjith-Kumar et al., "Multiple Interactions within the Hepatitis C Virus RNA Polymerase Repress Primer-dependent RNA Synthesis," J. Mol. Biol., 330:675-685 (2003). |
| | Wang et al., "Non-nucleoside Analogue Inhibitors Bind to an Allosteric Site on HCV NS5B Polymerase," Journal of Biological Chemistry, 278:9489-9495 (2003). |

| | |
|---|---|
| Examiner | Date Considered |
| *Examiner: | Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. |
| Form PTO 1449 | Patent and Trademark Office - U.S. Department of Commerce |